DEPARTMENT OF STATE A/CDC/MR
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ASSISTANT SECRETARY OF STATE
WASHINGTON, D.C. 20520

August 14, 1980

EXCISE
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CONFIDENTIAL

MEMORANDUM

TO: AF - Mr. Richard Moose

FROM: HA - Stephen Palmer, Acting

SUBJECT: Human Rights Briefing Memorandum for your Visit to Togo

Togo is a one-party, authoritarian state; national unity and economic development have taken priority over civil and political rights. Some cases of unauthorized torture have probably occurred. Based on our information and information available to Amnesty International, mistreatment of prisoners and extremely difficult conditions of detention are widely prevalent in Togo. A recent statement by Amnesty International (attached) described conditions as "harsh" with such problems cited as severe over-crowding, poor nutrition and hygiene, insufficent medical facilities and infrequent visits by family. AI indicates its concern at the number of deaths of political detainees which have not resulted in an official inquest.

Togo also has serious problems in the area of arbitrary arrest and denial of fair public trial. Persons are detained administratively, frequently at the initiative of President Eyadema. AI contends that Eyadema frequently plays an active role in interrogating individuals suspected of holding views critical of the government and allegedly uses his personal authority to "sentence" them to unspecified terms of imprisonment. The judiciary is severely compromised [redacted] E(a)3

Clearly, the Jack Anderson articles have made Eyadema particularly concerned about his image in

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the United States. This was evident during the recent visit to Washington by the Foreign Minister and Minister of Justice. When the Minister of Justice Kodjovi met with HA, he indicated a willingness to consider allowing the ICRC to visit the prisons. In subsequent discussions in Lome, however, Kodjovi insisted that an ICRC visit would have to be preceded by visits to Togo by American journalists, implicitly to "set the record straight."

A decision to invite the ICRC to visit Togo would require the approval of Eyadema. Given the serious questions about prison conditions, Togo's concern about its image abroad, and the previous discussions the Department and embassy have had on this subject, HA believes it would be propitious for you to raise this subject with Eyadema during your visit.

Talking Points

-- You are aware from conversations with Ambassador Johnson as well as from the 1980 Department of State report, that as a friend of Togo we have been concerned about restrictions on human rights in Togo, namely reports of mistreatment and torture of prisoners, detention without trial, as well as restrictions on freedom of expression and political participation. These problems have also been cited by Amnesty International.

-- These problems will continue to be a source of embarrassment for you in the international press and among international non-government organizations unless you take some concrete steps to address the problems.

-- As you may know the International Committee of the Red Cross (ICRC) has a widely recognized and established program for visiting prisons. Their reports are kept strictly confidential, and they are able to provide assistance for improving conditions of imprisonment.

-- I would like to respectfully suggest that GOT consider inviting the ICRC to visit Togo. Any preliminary views you have on this suggestion would be

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especially welcome. We have discussed this suggestion with your Minister of Justice.

-- Turning to questions of political participation, I understand there has recently been established a National Assembly. We are especially interested in following the development of this institution and hope that it will become an effective, viable and constructive force in Togolese political life.

Attachment:

Statement by Amnesty International.

Drafted:HA:JPSalzberg:dlw
x23559 8/12/80

Clearance:HA:TATull

AMNESTY INTERNATIONAL U.S.A. 304 WEST 58th STREET NEW YORK, NY 10019 212/582-4440

AMNESTY INTERNATIONAL news release

FOR IMMEDIATE RELEASE:

FRIDAY, AUGUST 1, 1980

CONTACT: Larry Cox
Press Officer
212/582-4440

AMNESTY INTERNATIONAL STATEMENT ON TOGO

In recent weeks the government of Togo has placed advertisements in a number of major U.S. newspapers. Because Amnesty International is mentioned in these ads, there may be some confusion as to AI's work on human rights violations in Togo. For this reason, Amnesty International U.S.A. is releasing the attached statement which summarizes AI's concerns with regard to human rights violations in Togo over the past year.

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Amnesty International is a worldwide human rights movement which works impartially for the release of prisoners of conscience, men and women detained anywhere for their beliefs, color, ethnic origin, sex, religion or language, provided they have neither used nor advocated violence. Amnesty International opposes torture and the death penalty in all cases without reservation and advocates fair and prompt trials for all political prisoners. Amnesty International is independent of all governments, political factions, ideologies, economic interests and religious creeds. It has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States, and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees). Amnesty International was the recipient of the 1977 Nobel Prize for Peace.

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AMNESTY INTERNATIONAL U.S.A. 304 WEST 58th STREET NEW YORK, NY 10019 212/582-4440

UNCLASSIFIED

July 1980

TOGO

Amnesty International's major concerns with regard to human rights in Togo are detention without trial, unsatisfactory trial procedures, poor prison conditions and the death penalty.

In October 1977 a conspiracy to overthrow the government of President Gnassingbe Eyadema was reportedly foiled. Arrests in connection with the alleged plot had begun in November 1978, when Saturnin Ayite, Kouassivi de Souza and Komlan de Souza were detained. In 1979 more than 30 people (including seven children under the age of 12) were arrested and held without charge or trial for periods ranging from a few days to several months. All were members of Togo's "Southern" families, officially suspected of having backed the alleged plot, and were usually friends or relatives of individuals whom the government was seeking to arrest in connection with the alleged plot.

On June 3, 1979, two Togolese exiles, Kodjovi de Souza and Teyi Lawson, were kidnapped in Ghana and forcibly returned to Togo. Shortly afterwards, the government-controlled newspaper published statements alleged to have been made by Kodjovi de Souza, in which he confessed to an involvement in the preparation of the alleged plot of October 1977. On the basis of these "confessions," which Amnesty International believes to have been obtained under torture, other individuals were arrested, including Major Kouao Sanvee and businessman, Lanyo Savi de Tove. In early July, when 10 people remained in detention, the government announced its decision to convene the State Security Court to try those charged with complicity in the "mercenaries affair."

On July 19, 1979, Amnesty International made public its fear that the forthcoming State Security Court trial would not provide the accused with a fair and impartial hearing. High-ranking government officials, including two of the State Security Court's judges, had publicly proclaimed the guilt of the accused in June 1979. The independence of the judiciary had been formally abolished in 1976, when magistrates came under the direct control of the State. In its communique, Amnesty International reiterated its appeal to the government to allow an observer to attend the trial proceedings and expressed its concern at the continuing recourse to detention without charge or trial, the practice of torture, the poor conditions prevalent in Togolese prisons, and what appeared to be a deliberate government policy of harassment against "Southern" families. In a public statement a few days later, the Togolese government rebutted these charges and declared its willingness to accept international observers at the trial.

The State Security Court sat on 23 and 24 August 1979 and was attended by the public and international observers. Two of the seven accused were acquitted and five were found guilty of "conspiring...to overthrow or change the Togolese government..of committing or beginning acts in preparation of its execution...and of possessing arms...." Kodjovi de Souza and Kouao Sanvee were sentenced to death, and three others were given prison sentences of between ten and five years. Eight other accused were sentenced to death in absentia. On August 3, 1979, President Eyadema commuted the death sentences against Kodjo de Souza and Kouao Sanvee to life imprisonment. Three of those arrested in connection wit

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Gerhard A. Elston

this affair were not brought to trial. According to official reports, Saturnin Ayite and Arthur Yehouessi were among 34 detainees freed in a presidential amnesty on January 13, 1980. The third, Barnabas Aku, died in hospital in late 1979 only two weeks after his release from prison. Amnesty International remains concerned about the fate of Saturnin Ayite, whose state of health and whereabouts have been the subject of several enquiries to the Togolese government.

In its trial observation report, Amnesty International stated that, despite strict regard for procedure during the hearing, the degree of guilt of the accused was not established adequately in court and that the sentences passed accordingly appeared unwarranted and severe. Further, the report noted that the right to defense counsel at all stages of the judicial process had not been respected and that material given wide coverage in the Togolese press during June 1979 had constituted an essential part of the prosecution's case. Amnesty International called on the Togolese authorities to release or retry the prisoners. The government has answered that it will not accede to this appeal. In late April 1980, an Amnesty International mission was received by President Eyadema in Lome.

Amnesty International has received numerous reports that arrest and detention without charge or trial in Togo are both known to and encouraged by President Eyadema. He is reliably reported to play an active role in the interrogating of individuals suspected of holding views critical of the government and to use his personal authority to "sentence them to often unspecified terms of imprisonment. In such cases there is no access whatsoever to judicial redress. Amnesty International has appealed to the President on several occasions during the year for the release of individuals imprisoned often on the slightest of pretexts and without charge or public trial. It has also intervened with the government regarding the two cases of kidnapping of suspected opponents: in June 1979, Kodjovi de Souza and Teyi Lawson were seized in Ghana; and in October 1979, Benis Lawson, a French citizen of Togolese origin, was taken back to Togo from Niger by Togolese military personnal. He was released in November 1979.

Conditions of imprisonment at the Gendarmerie headquarters and the Tokoin military camp in Lome, at Lama Kara prison and at the Temedja paracommando camp are reported to be harsh. Amnesty International has received reports of severe overcrowding, poor nutrition and hygiene, insufficient medical facilities and the granting of only occasional visits by families and friends at the two Lome detention centers. These poor conditions have led to a high incidence of illness among detainees. Amnesty International remains concerned at the number of deaths of political detainees which have not resulted in an official inquest. These deaths have occurred either in detention or shortly following release and have included in the year the cases of four customs officials, one gendarme and Barnabas Aku.

Two prisoners held without charge or trial since December 1979, Quist Crosby and Antoine Lawson, were released in April 1980 following appeals from several organizations including Amnesty International.

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Department of State

OUTGOING TELEGRAM

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ORIGIN HA-05

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E.O. 12065: GDS 08/07/86 (TULL, THERESA A.)

TAGS: SHUM, ICRC, TO

SUBJECT: AMNESTY INTERNATIONAL REPORT

REF: A) LONDON 15622; B) STATE 183368

1. (UNCLASSIFIED) THE FOLLOWING PRESS RELEASE AND STATEMENT WAS ISSUED AUGUST 1, 1980 BY AMNESTY INTERNATIONAL:
QUOTE AMNESTY INTERNATIONAL STATEMENT ON TOGO.
-- IN RECENT WEEKS THE GOVERNMENT OF TOGO HAS PLACED ADVERTISEMENTS IN A NUMBER OF MAJOR U.S. NEWSPAPERS. BECAUSE AMNESTY INTERNATIONAL IS MENTIONED IN THESE ADS, THERE MAY BE SOME CONFUSION AS TO AI'S WORK ON HUMAN RIGHTS VIOLATIONS IN TOGO. FOR THIS REASON, AMNESTY INTERNATIONAL U.S.A. IS RELEASING THE ATTACHED STATEMENT WHICH SUMMARIZES AI'S CONCERNS WITH REGARD TO HUMAN RIGHTS VIOLATIONS IN TOGO OVER THE PAST YEAR.

-- AMNESTY INTERNATIONAL'S MAJOR CONCERNS WITH REGARD TO HUMAN RIGHTS IN TOGO ARE DETENTION WITHOUT TRIAL, UNSATISFACTORY TRIAL PROCEDURES, POOR PRISON CONDITIONS AND THE DEATH PENALTY.

-- IN OCTOBER 1977 A CONSPIRACY TO OVERTHROW THE GOVERNMENT OF PRESIDENT GNASSINGBE EYADEMA WAS REPORTEDLY FOILED. ARRESTS IN CONNECTION WITH THE ALLEGED PLOT HAD BEGUN IN NOVEMBER 1978, WHEN SATURNIN AYITE, KOUASSIVI DE SOUZA AND KOMLAN DE SOUZA WERE DETAINED. IN 1979 MORE THAN 30 PEOPLE (INCLUDING SEVEN CHILDREN UNDER THE AGE OF 12) WERE ARRESTED AND HELD WITHOUT CHARGE OR TRIAL FOR PERIODS RANGING FROM A FEW DAYS TO SEVERAL MONTHS. ALL WERE MEMBERS OF TOGO'S "SOUTHERN" FAMILIES, OFFICIALLY SUSPECTED OF HAVING BACKED THE ALLEGED PLOT, AND WERE USUALLY FRIENDS OR RELATIVES OF INDIVIDUALS WHOM THE GOVERNMENT WAS SEEKING TO ARREST IN CONNECTION WITH THE ALLEGED PLOT.

-- ON JUNE 3, 1979, TWO TOGOLESE EXILES, KODJOVI DE SOUZA AND TEYI LAWSON, WERE KIDNAPPED IN GHANA AND FORCIBLY RETURNED TO TOGO. SHORTLY AFTERWARDS, THE GOVERNMENT-CONTROLLED NEWSPAPER PUBLISHED STATEMENTS ALLEGED TO HAVE BEEN MADE BY KODJOVI DE SOUZA, IN WHICH HE CONFESSED TO AN INVOLVEMENT IN THE PREPARATION OF THE ALLEGED PLOT OF OCTOBER 1977. ON THE BASIS OF THESE CONFESSIONS, WHICH AMNESTY INTERNATIONAL BELIEVES TO HAVE BEEN OBTAINED UNDER TORTURE, OTHER INDIVIDUALS WERE ARRESTED, INCLUDING MAJOR KOUAO SANVEE AND BUSINESSMAN, LANYO SAVI DE TOVE.

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IN EARLY JULY, WHEN 18 PEOPLE REMAINED IN DETENTION, THE GOVERNMENT ANNOUNCED ITS DECISION TO CONVENE THE STATE SECURITY COURT TO TRY THOSE CHARGED WITH COMPLICITY IN THE "MERCENARIES AFFAIR."

-- ON JULY 19, 1979, AMNESTY INTERNATIONAL MADE PUBLIC ITS FEAR THAT THE FORTHCOMING STATE SECURITY COURT TRIAL WOULD NOT PROVIDE THE ACCUSED WITH A FAIR AND IMPARTIAL HEARING. HIGH-RANKING GOVERNMENT OFFICIALS, INCLUDING TWO OF THE STATE SECURITY COURT'S JUDGES, HAD PUBLICLY PROCLAIMED THE GUILT OF THE ACCUSED IN JUNE 1979. THE INDEPENDENCE OF THE JUDICIARY HAD BEEN FORMALLY ABOLISHED IN 1976, WHEN MAGISTRATES CAME UNDER THE DIRECT CONTROL OF THE STATE. IN ITS COMMUNIQUE, AMNESTY INTERNATIONAL REITERATED ITS APPEAL TO THE GOVERNMENT TO ALLOW AN OBSERVER TO ATTEND THE TRIAL PROCEEDINGS AND EXPRESSED ITS CONCERN AT THE CONTINUING RECOURSE TO DETENTION WITHOUT CHARGE OR TRIAL, THE PRACTICE OF TORTURE, THE POOR CONDITIONS PREVALENT IN TOGOLESE PRISONS, AND WHAT APPEARED TO BE A DELIBERATE GOVERNMENT POLICY OF HARASSMENT AGAINST "SOUTHERN" FAMILIES. IN A PUBLIC STATEMENT A FEW DAYS LATER, THE TOGOLESE GOVERNMENT REBUTTED THESE CHARGES AND DECLARED ITS WILLINGNESS TO ACCEPT INTERNATIONAL OBSERVERS AT THE TRIAL.

-- THE STATE SECURITY COURT SAT ON 23 AND 24 AUGUST 1979 AND WAS ATTENDED BY THE PUBLIC AND INTERNATIONAL OBSERVERS. TWO OF THE SEVEN ACCUSED WERE ACQUITTED AND FIVE WERE FOUND GUILTY OF "CONSPIRING...TO OVERTHROW OR CHANGE THE TOGOLESE GOVERNMENT...OF COMMITTING OR BEGINNING ACTS IN PREPARATION OF ITS EXECUTION...AND OF POSSESSING ARMS...." KODJOVI DE SOUZA AND KOUAO SANVEE WERE SENTENCED TO DEATH, AND THREE OTHERS WERE GIVEN PRISON SENTENCES OF BETWEEN TEN AND FIVE YEARS. EIGHT OTHER ACCUSED WERE SENTENCED TO DEATH IN ABSENTIA. ON AUGUST 3, 1979, PRESIDENT EYADEMA COMMUTED THE DEATH SENTENCES AGAINST KODJOVI DE SOUZA AND KOUAO SANVEE TO LIFE IMPRISONMENT. THREE OF THOSE ARRESTED IN CONNECTION WITH THIS AFFAIR WERE NOT BROUGHT TO TRIAL. ACCORDING TO OFFICIAL REPORTS, SATURNIN AYITE AND ARTHUR YEHOUESSI WERE AMONG 34 DETAINEES FREED IN A PRESIDENTIAL AMNESTY ON JANUARY 13, 1980. THE THIRD, BARNABAS AKU, DIED IN HOSPITAL IN LATE 1979 ONLY TWO WEEKS AFTER HIS RELEASE FROM PRISON. AMNESTY INTERNATIONAL REMAINS CONCERNED ABOUT THE FATE OF SATURNIN AYITE, WHOSE STATE OF HEALTH AND WHEREABOUTS HAVE BEEN THE SUBJECT OF SEVERAL ENQUIRIES TO THE TOGOLESE GOVERNMENT.

-- IN ITS TRIAL OBSERVATION REPORT, AMNESTY INTERNATIONAL STATED THAT, DESPITE STRICT REGARD FOR PROCEDURE DURING THE HEARING, THE DEGREE OF GUILT OF THE ACCUSED WAS NOT ESTABLISHED ADEQUATELY IN COURT AND THAT THE SENTENCES PASSED ACCORDINGLY APPEARED UNWARRANTED AND SEVERE. FURTHER, THE REPORT NOTED THAT THE RIGHT TO DEFENSE COUNSEL AT ALL STAGES OF THE JUDICIAL PROCESS HAD NOT BEEN RESPECTED AND THAT MATERIAL GIVEN WIDE COVERAGE IN THE TOGOLESE PRESS DURING JUNE 1979 HAD CONSTITUTED AN ESSENTIAL PART OF THE PROSECUTION'S CASE. AMNESTY INTERNATIONAL CALLED ON THE TOGOLESE AUTHORITIES TO RELEASE OR RETRY THE PRISONERS. THE GOVERNMENT HAS ANSWERED THAT IT WILL NOT ACCEDE TO THIS APPEAL. IN LATE APRIL 1980, AN AMNESTY INTERNATIONAL MISSION WAS RECEIVED BY PRESIDENT EYADEMA IN LOME.

-- AMNESTY INTERNATIONAL HAS RECEIVED NUMEROUS REPORTS THAT ARREST AND DETENTION WITHOUT CHARGE OR TRIAL IN TOGO ARE BOTH KNOWN TO AND ENCOURAGED BY PRESIDENT EYADEMA. HE IS RELIABLY REPORTED TO PLAY AN ACTIVE ROLE IN THE INTERROGATING OF INDIVIDUALS SUSPECTED OF HOLDING VIEWS CRITICAL OF THE GOVERNMENT AND TO USE HIS PERSONAL

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For Moose message